

AMENDED CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

410-2021-03021
(AMENDED)

☐ FEPA
☒ EEOC

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Zakiya N. Johnson

Home Phone (Incl. Area Code)

(404) 931-7650

Date of Birth

07/24/1983

Street Address

City, State and ZIP Code

3535 Peachtree Road NE, Ste. 520-533, Atlanta, GA 30326; ki.lancsclin@gmail.com

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Dekalb County School District

No. Employees, Members

15+

Phone No. (Include Area Code)

678-676-0297

Street Address

City, State and ZIP Code

1701 Mountain Industrial Blvd, Stone Mountain, GA 30083; derek_carson@dekalbschoolsga.org

Name

No. Employees, Members

15+

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

Jan. 27, 2021 Nov. 2021

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Dekalb County School District (DCSD) in or around August 2016, as Secretary to the Principal of Martin Luther King High School.

On or about March 12, 2020, I began to telework due to the shutdown caused by COVID-19. On or about January 27, 2021, I requested an accommodation to continue working from home temporarily because of a disability. I provided my employer with the proper medical documentation.

My accommodation request was repeatedly ignored. I was finally told that DCSD was not approving any accommodations for telework and that I would have to apply for FMLA leave. I therefore initiated the FMLA application process.

In or around April 2021, DCSD's Regional Superintendent, Dr. Triscilla Weaver, told the interim principal of MLK HS, Mr. Williams, that she would not approve ADA accommodations for me no matter what medical documentation I provided. She also told him that I would not be approved for FMLA leave, even though I had not yet provided the medical certification from my doctor explaining why I needed FMLA leave. [cont. next page]

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

March 17, 2022

Date


Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Case 1:23-mj-99999-UNA Document 1441-2 Filed 05/02/23 Page 2 of 4

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet)

[cont.]

Unsurprisingly, my FMLA application was ultimately denied. I repeatedly asked for an explanation as to the reason for the denial, but DCSD refused to proffer an explanation.

Since DCSD refused to grant me ADA accommodations or FMLA leave, I applied for short-term disability ("STD") leave because of my disability in April 2021. I kept my employer apprised of the situation and my pending STD claim.

I was eventually approved for STD leave from April 25, 2021 until September 21, 2021.

On May 10, 2021, I was threatened with termination if I failed to return in-person. I immediately responded to the letter via email, Certified Mail, Regular Mail, and UPS, explaining my situation and rebutting their false allegations about "job abandonment."

When I spoke with the interim principal about the letter, he told me that that he was forced to send the letter because Dr. Weaver had told him that I must return on May 3rd or I would be terminated (even with a provided doctors note, filing for FMLA, Short Term Disability, and constant contact) for job abandonment.

On May 13, 2021, I submitted a complaint alleging failure to engage in the ADA interactive process to Derek Carson and Marissa Key in Employee Relations. At that point, I had submitted my ADA request four times between January-March 2021 without receiving a response as to my specific situation.

When I spoke with Mr. Carson about my case, he told me that DCSD does not have to address my request for an accommodation unless and until I show up for work in person. Mr. Carson also told me that Dr. Weaver just "wanted me gone." He said DCSD wanted him to move forward with termination for job abandonment. I advised him that I informed all necessary parties of my absence and my date of return, and that job abandonment, based on their definition in the letter they provided was absolutely erroneous. Mr. Carson responded that if I wanted to keep my job, then I would be displaced because I could not go back to my old position.

I complained to Mr. Carson that DCSD's actions were discriminatory and retaliatory based on my disability and requests for accommodations. Mr. Carson responded: "Look, that's the best I can do for you, you can either be displaced or they will proceed with abandonment, those are your only options."


[cont. next page]

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

March 17, 2022

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: _____ Agency(ies) Charge No(s): _____

☐ FEPA
☒ EEOC

_____ and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet)

[cont.]

I complained to Mr. Carson that DCSD's actions were discriminatory and retaliatory based on my disability and requests for accommodations. Mr. Carson responded: "Look, that's the best I can do for you, you can either be displaced or they will proceed with abandonment, those are your only options."

On June 1, 2021, I sent a follow-up email to Mr. Carson, stating, in relevant part:

"I just wanted to provide you with the start date of my Short Term Disability; the benefit start date was April 25, 2021. My Short Term Disability began prior to the FMLA denial period and this was also prior to the phone call on April 30, 2021 stating that I was to return to work on May 3, 2021 or I would be terminated. Paperwork was submitted (on May 3, 2021) by the school with the invalid claims of job abandonment seeking termination and adversely I was also removed from my location (Dr. Martin Luther King Jr. High School - 574) while on disability as well.

I just wanted to provide you with this information, as well as, I would like to document that there was a demand that I return to work with adverse consequences while legitimately out on disability. I received this information from Mr. Williams and he advised that he was only doing what he was told and that the directive came from the Regional Superintendent."

I submitted my first EEOC charge of disability discrimination on July 8, 2021.

I was approved for continued long-term disability leave starting September 22, 2021.

On September 30, 2021, while I was on LTD leave, I received a letter from DCSD that erroneously stated: "It has been reported to this office that you have failed to report to your currently assigned work location since August 2, 2021 Therefore, since it appears you have manifested an intent not to return to work, the District has determined you have abandoned your position as a Secretary."

I emailed Mr. Carson and Ms. Key in Employee Relations asking why DCSD sent the letter despite knowing that I was on approved LTD leave.

On November 4, 2021, I received a separation notice from DCSD that claimed I had been separated due to "resignation" effective September 30, 2021.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

March 17, 2022



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Case 1:23-mj-99999-UNA Document 1441-2 Filed 05/02/23 Page 4 of 4

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet)

[cont.]

I immediately emailed Mr. Carson that same day and protested that the separation notice was false as I had neither resigned nor abandoned my job.

I also spoke with Mr. Carson in early December 2021 about the false separation notice and the grounds for my discrimination and retaliation complaints. Mr. Carson instructed me that the only way to avoid termination was to accept a transfer and a demotion. When I again explained to him that this option was evidence of retaliation, he said: "I understand, but the higher ups don't want you there, so I will just try to see if I can find a spot somewhere else, if not you'll just be in the overage." Overage means that you are assigned as a floater who completes miscellaneous tasks unrelated to one's original job. It is known at DCSD as an unspoken punishment.


I believe that I have been discriminated and retaliated against in violation of Title I of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

March 17, 2022

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)